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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Fibertrek, Inc., et al.,

NO. C 08-03415 JW

Plaintiffs,

v.

Preferred Corporate Services, Inc., et al.,

**ORDER CONTINUING ORDER TO
SHOW CAUSE RE: SETTLEMENT AND
PRELIMINARY PRETRIAL
CONFERENCE**

Defendants.

This case is scheduled for a hearing on an Order to Show Cause Re: Settlement and a Preliminary Pretrial Conference as to a non-settling Defendant on March 22, 2010. The settling parties were required to file a Stipulated Dismissal or Joint Statement on or before March 12, 2010, but to date, have failed to do so. (See Docket Item No. 84.) In its Order, the Court granted Plaintiffs' request for a continuance of the Preliminary Pretrial Conference in light of their representation that they needed additional time to substitute a Defendant who is now deceased, and ordered Plaintiffs to file a Joint Preliminary Pretrial Statement with substituted Defendant on or before March 12, 2010, which they have also failed to do. (Id.) In light of the parties' failure to file a Stipulated Dismissal or Joint Statement to update the Court on their progress, or a Joint Preliminary Pretrial Statement as to non-settling Defendants, the Court finds good cause for one final continuance of the hearing.

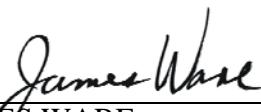
Accordingly, the Court CONTINUES the March 22, 2010 hearing to **March 29, 2010 at 9 a.m.** and CONTINUES the March 22, 2010 Preliminary Pretrial Conference to **March 29, 2010 at 11 a.m.** On or before **March 19, 2010**, the parties shall file either a Stipulated Dismissal, which will

1 vacate the hearing, or a Joint Status Report updating the Court on their settlement efforts. On or
2 before **March 19, 2010**, the remaining parties shall also file a Joint Preliminary Pretrial Statement.
3 The Statement shall include, among other things, an update on the parties' settlement efforts if any,
4 and the parties' proposed schedules as to how the case should proceed.

5 This is the parties' final continuance. Failure to comply with this Order may result in
6 sanctions.

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8 Dated: March 18, 2010

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JAMES WARE
United States District Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

2 Brian Michael Affrunti baffrunti@bwslaw.com
3 Claudia Carolina Bohorquez ccblaw@aol.com
3 Douglas W. Dal Cielo ddalciego@bwslaw.com
4 Robert John Huston bob_huston@yahoo.com

5

6 **Dated: March 18, 2010**

7 **Richard W. Wieking, Clerk**

8 By: /s/ JW Chambers
Elizabeth Garcia
Courtroom Deputy